

**FREEDOM OF INFORMATION
AND
PRIVACY ACTS**

**SUBJECT: CUSTODIAL DETENTION
SECURITY INDEX**
FILE NUMBER: 100-358086
SECTION : 67



FEDERAL BUREAU OF INVESTIGATION

NOTICE

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UNITED STATES GOVERNMENT

4272

Memorandum

TO :

DATE: May 1, 1968

FROM :

SUBJECT: MAINTENANCE OF CANCELLED SECURITY
INDEX CARDS AT [REDACTED]

Under Vital Records Program a duplicate set of the master Security Index cards is maintained at the [REDACTED] relocation site. Additions, cancellations and changes of the Security Index are made on a continuing basis to keep the Index in a current status. Under our current procedures, when a Security Index card is changed, the old card is then destroyed; when an individual is removed from the Security Index, the card is cancelled and is retained at the Bureau for a period of 3 years filed alphabetically by year. The cards at [REDACTED] have been maintained on an indefinite basis. We now have 25,000 cancelled Security Index cards stored at [REDACTED]. These cards are retained to serve as a ready list of individuals who do not meet the criteria for the Security Index at this time; however, because of previous activities, they could represent a potential danger to the internal security of the U. S. in time of an emergency.

In line with our continuing analysis to streamline our procedures, it is recommended that the cancelled Security Index cards over 5 years old maintained at [REDACTED] be destroyed and hereafter be maintained for the period of 5 years filed alphabetically by year.

OBSERVATIONS:

The destruction of these cancelled cards will release 4 file drawers of vitally needed storage space. During this 5-year period if a subject's activities would warrant, he would be placed back on the Security Index or Reserve Index. It is believed that this period of time is sufficient to determine if an individual's activities would warrant reconsideration for inclusion on the Security Index. This will serve as a backup for a ready list of individuals who could be potentially dangerous in time of emergency.

RECOMMENDATIONS:

- 1) That the cancelled Security Index cards over 5 years old maintained at [REDACTED] be destroyed and hereafter be maintained for a period of 5 years filed alphabetically by year.
- 2) If approved, this memorandum be forwarded to SAE, Quantico for appropriate handling.

OK
SP

UNITED STATES GOVERNMENT

4272

Memorandum

TO :

DATE: 11/7/75

FROM :

SUBJECT: ADMINISTRATIVE INDEX (ADEX)

General

The purpose of this memorandum is to furnish background information as to what requests have been made by various House and Senate committees of the FBI regarding the old Security Index (SI) and the ADEX and our responses to these requests. Also set forth herein is information concerning our policy regarding the retention of cancelled SI and ADEX cards

By communication dated 5/14/75 the U. S. Senate Select Committee on Intelligence Activities (SSC) requested, in part, access to all indices maintained by the FBI from 1960 to the present. In our response to this request dated 7/17/75 information and documents were provided setting forth the background of the SI and the ADEX. The SSC was further advised that due to privacy considerations no access would be given to the indices. As a result of discussions between representatives of the FBI and the SSC it was decided examples of the 5 X 8 cards which make up the indices would be provided for access to SSC Staff members with identifying information on these cards excised.

By communication dated 8/6/75 Robert W. Kastenmeier, Chairman, Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the House Committee on the Judiciary, requested, in part, a copy of the SI as of 1/1/75 and all names appearing on such list since its inception and the dates names were added or deleted from the list. Our response dated 9/8/75 set forth background information regarding the SI and the ADEX and indicated as a result of the manner in which the SI and the ADEX were established, past lists of both the SI and the ADEX could ~~not~~ be reconstructed for any given time period.

REC-51

By communication dated 8/27/75 the U. S. House Select Committee on Intelligence Activities (HSC) requested delivery of all ADEX lists that have been maintained since 1/1/73 until the

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UNITED STATES GOVERNMENT
Memorandum to Mr. [REDACTED]
Re: Administrative Index
[REDACTED]

present. Our response dated 9/12/75 set forth background information regarding the SI and the ADEX which had previously been submitted to the above-mentioned committees. We also advised that lists, per se, could not be reconstructed for a given period of time due to the manner in which the ADEX is handled. We further stated that for reasons of privacy and inasmuch as release of information contained on the ADEX could adversely affect current operations and investigations of the FBI information contained on the ADEX could not be furnished.

By communication dated 9/30/75 the HSC requested, in part, access to the SI (last compilation prior to discontinuance in 1971 of approximately 15,500 names). By communication dated 10/15/75 the HSC additionally requested a list of all persons on the SI when it was discontinued. We are presently preparing a response to the HSC which will advise that inasmuch as staff members of HSC have reviewed the ADEX listing dated 9/15/75 and due to the sensitive nature of the ADEX, we do not desire to release copies of the list outside the strict security afforded it by the Bureau. We will advise HSC that continued access to the ADEX list will be provided appropriately cleared HSC staff members at FBI Headquarters. However, as a result of the wording of the HSC request dated 10/15/75 requesting a list of all persons who have been on ADEX since its inception and a list of all persons on the SI when it was discontinued, additional research into the SI and ADEX at FBI Headquarters resulted in the location of approximately 15,000 cancelled ADEX and SI cards. Our response to the HSC therefore will advise of the discovery of these cards, the fact they are all outdated, and the fact that these cards contain the identities of individuals who have been cancelled from the ADEX since its inception. Our response will further indicate these cards will be made available to HSC Staff members for review at FBI Headquarters and that past lists of the SI and the ADEX for a given time period cannot be reconstructed from a review of these cards.

By communication dated 10/2/75 the SSC requested delivery of all current and past indices maintained by the FBI. By communication dated 10/28/75 the SSC also requested access to the cancelled cards and, following a review of these cards and selection of certain names, materials reflecting why these individuals were placed on the old SI and what information was disseminated regarding these individuals outside the U. S.

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11-7-75

Memorandum to Mr. [REDACTED]
Re: Adminstrative Index

Government. No response has been prepared for these requests to date; however, we intend to respond to these requests in the same manner as our response being prepared for the HSC regarding the cancelled ADEX cards.

Upon preparation of response for the Kastenmeier Subcommittee our memorandum was initially classified inasmuch as it set forth the operation and various aspects of the SI which we operated in conjunction with the Department's old Emergency Detention Program, which program had been so classified by the Department. As a result of instructions from [REDACTED], Assistant Attorney General, Office of Legislative Affairs, this memorandum was resubmitted in an unclassified format. Following delivery of this memorandum to the Kastenmeier Subcommittee, Mr. Kastenmeier subsequently released details of this memorandum to the news media.

Although no mention of the cancelled ADEX cards has been made in responses to the various requests on the SI and the ADEX, following the discovery of these cards, it has since been determined our policy for the maintenance of cancelled cards is to retain them for a period of three years filed alphabetically by year at FBI Headquarters and for a period of five years at [REDACTED]. This information is set forth in a memorandum from [REDACTED] to Mr. [REDACTED] dated 5/1/68 (attached). Prior to this time the duplicate cards at [REDACTED] which were cancelled, had been maintained on an indefinite basis; however, as a result of space limitations the five-year policy was established. It was indicated these cards would be retained to serve as a ready list of individuals who did not meet the criteria for the SI but because of previous activities they could represent a potential danger to the internal security of the United States in time of an emergency. It was believed this time period during which these cards would be retained would be sufficient to determine if an individual's activities would warrant reconsideration for inclusion on the SI. From a review of the files regarding the SI and ADEX during the 1971 time period in which the ADEX was established and the SI was discontinued there was no indication of any memoranda which would indicate the destruction policy regarding the cancelled cards should be changed. As indicated above, there

CONTINUED - OVER

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11-7-75

Memorandum to Mr.
Re: Administrative Index

are approximately 15,000 cancelled cards located at FBI Headquarters for the years 1971 to present. Additionally, duplicates of these approximately 15,000 cards are currently maintained at [redacted] along with another approximately 1,000 cancelled SI cards covering the years 1969 and 1970. As a result of the Congressional moratorium during January, 1975, cards which would have normally been destroyed were retained.

Various committees above were advised the old SI was printed and the ADEX is printed on 5 X 8 cards with a separate name on each card, setting forth in addition to the name, background information, file numbers, and type of activities in which the individual is engaged. Cards are added and deleted continuously as recommendations are approved at the Headquarters level. In addition, on the fifteenth of each month a computerized print-out or listing is issued. When a new listing is furnished, copies of the old listing are destroyed; therefore, our past statements to the various committees indicating former lists of the SI and the ADEX cannot be reconstructed are true. Also by reviewing the cancelled cards there is no way to reconstruct a former list for any particular time period. The cancelled cards, however, will reflect the identities of those individuals who have been placed on the SI and the ADEX for the years 1969 to the present.

On 10/23/75 John Crewdson of the "New York Times" telephonically contacted the FBI following release of the details in the memorandum to Kastenmeier and asked if the SI cards had been preserved after the discontinuance of the program and if they were still maintained by the Bureau. The External Affairs Division received approval on 10/24/75 from the Director and Deputy Associate Director James B. Adams to advise [redacted] that the HSC and SSC are currently making a penetrative analysis and study of the SI and ADEX and as a result the FBI would make no further comment regarding the matter for the present time.

The above has been set forth in chronological order for background purposes.

ACTION:

None. For information. K

UNITED STATES GOVERNMENT

Memorandum

4274

TO:
H
FROM:

DATE: 10/14/75

SUBJECT: ADMINISTRATIVE INDEX (ADEX)-General

Enclosed is a briefing book containing documents pertaining to the Security Index and the ADEX. This material has been prepared for use by the Director to brief the Attorney General and other Departmental personnel on 10/20/75 regarding this subject matter. The enclosure is classified "Top Secret" inasmuch as it contains communications which were so classified. These documents were classified since they pertained to aspects of the Department's Program for Apprehension and Detention of Persons Considered Potentially Dangerous to the National Defense and Public Safety of the United States, commonly referred to as the Emergency Detention Program, and original classifying authority stemmed from the Department.

ACTION:

For information.

UNITED STATES GOVERNMENT

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 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UNRECORDED

November 17, 1975

1 - Mr.

1 - Mr.

SUBCOMMITTEE ON COURTS, CIVIL LIBERTIES,
AND THE ADMINISTRATION OF JUSTICE OF THE
HOUSE COMMITTEE ON THE JUDICIARY

Reference is made to a letter dated October 22, 1975, to the Attorney General from the Chairman of captioned subcommittee requesting a copy of sealed instructions maintained in the Bureau's field offices. These instructions were mentioned in an enclosure to our memorandum to the subcommittee dated October 6, 1975. By communication dated February 9, 1972, from [redacted], Assistant Attorney General, Internal Security Division, Department of Justice, to Director, FBI, captioned "Emergency Detention Program," the Department advised the prepositioned instructions for United States Attorneys and United States Marshals and related materials maintained in sealed envelopes in the Bureau's FBI field offices should be destroyed.

By communication dated February 14, 1972, from Director, FBI, to Albany and all field offices, captioned "Emergency Detention Program," instructions were issued that documents relative to the operation of the Emergency Detention Program which were being maintained in the field offices were to be destroyed in accordance with Section 1203 of the Department's regulations relating to the protection of defense information. The sealed envelopes addressed to the United States Attorneys and United States Marshals were to be destroyed in the same fashion.

By communication dated May 8, 1972, from Acting Director, FBI, to Acting Assistant Attorney General, Internal Security Division, captioned "Emergency Detention Program," the Department of Justice was advised that all prepositioned instructions for United States Attorneys and United States Marshals and related materials maintained in sealed envelopes in Bureau field offices had been destroyed in accordance with the desires of the Department.

SEE NOTE PAGE TWO

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UNRECORDED

11-17-75

SUBCOMMITTEE ON COURTS, CIVIL LIBERTIES,
AND THE ADMINISTRATION OF JUSTICE OF
THE HOUSE COMMITTEE ON THE JUDICIARY

In view of the fact that these documents and related materials have been destroyed, we will not be able to comply with the request for a copy of the sealed instructions.

Copies of the three documents instructing that materials maintained in sealed envelopes in the Bureau's FBI field offices be destroyed will be made available for review by appropriately cleared staff members in the event you determine such action necessary.

NOTE:

Documents referred to above not being delivered per instructions set forth in memorandum from Legal Counsel to Mr. [redacted] dated 11/5/75 captioned as above.

Additional requests for information regarding the Security Index have been received from this subcommittee and these matters will be answered in a separate response.

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UNRECORDED

Assistant Attorney General
Office of Legislative Affairs

November 28, 1975

Director, FBI

SUBCOMMITTEE ON COURTS, CIVIL LIBERTIES, AND
THE ADMINISTRATION OF JUSTICE OF THE HOUSE
COMMITTEE ON THE JUDICIARY

Reference is made to a letter dated October 28, 1975,
to the Attorney General from the Chairman of captioned
subcommittee requesting certain information regarding the
Security Index and this Bureau's program.

Attached for your approval and forwarding to the
subcommittee is an original of a memorandum which contains
a response to the requests in referenced letter.

A copy of the memorandum is being furnished for
your records.

Enclosures (2)

UNRECORDED

November 28, 1975

SUBCOMMITTEE ON COURTS, CIVIL LIBERTIES,
AND THE ADMINISTRATION OF JUSTICE OF THE
HOUSE COMMITTEE ON THE JUDICIARY

Reference is made to a letter dated October 28, 1975, to the Attorney General from the Chairman of captioned subcommittee requesting certain information regarding the Security Index (SI) and this Bureau's program. Reference is further made to my memorandum dated October 6, 1975, setting forth background information concerning the SI and my response regarding

As you were previously advised, the former SI consisted of, and our current Administrative Index (ADEX) is printed on, 5 x 8 cards with a single name on each card. background information, file numbers, and type of activity in which the individual is engaged are also placed on these cards. A computerized ADEX listing is prepared monthly at FBI Headquarters (FBIHQ). The SI list was prepared in the same manner and, as with the former SI, when a new monthly ADEX list is prepared copies of the old list are destroyed inasmuch as they are outdated and no longer serve a useful purpose. Thus, past lists of the SI and ADEX are not available. The cards on individuals who are deleted from these indexes are maintained in a cancelled status for a period of time and then destroyed; however, former lists of the SI and the ADEX cannot be reconstructed for a particular time period from a review of these cards. Those cancelled cards presently

ORIGINAL AND ONE TO ATTORNEY GENERAL

SEE NOTE PAGE 3

Enc 1

UNRECORDED

11-28-75

RE: SUBCOMMITTEE ON COURTS, CIVIL LIBERTIES, AND
THE ADMINISTRATION OF JUSTICE OF THE HOUSE
COMMITTEE ON THE JUDICIARY

being maintained at FBIHQ, however, will reflect the identity of some of those individuals who had been placed on the SI and the identity of all those individuals who have been placed on the ADEX for the period for which these cards are maintained. Staff members of other Committees of Congress have been permitted access to a current computerized ADEX list and the cancelled cards mentioned above since the date of my memorandum on October 6, 1975.

A review of the files of this Bureau indicates a list of certain names on the former SI was provided on a quarterly basis to the Passport Office, Department of State. These names were not identified to the Passport Office as having been obtained from the SI. The list was furnished so this Bureau could be advised of contemplated travel abroad by these individuals. When a new list was furnished to the Passport Office the old list was returned and destroyed. This procedure was instituted during December, 1950, at the request of the Passport Office, and was terminated during October, 1971, following a change of policy by the Passport Office. There is no indication any other agency of government outside the Department of Justice received information from the SI or ADEX.

It is the general policy of this Bureau to disseminate information developed during the course of a security investigation conducted on an individual to other agencies in the Executive Branch which would have a legitimate interest. Information of this nature is not disseminated to local or state law enforcement agencies unless a specific request is received. If such is the case, information only of a public source nature relating to subversive matters may be furnished.

With respect to your requests for information concerning the [redacted] program, my previous remarks citing the current Department of Justice inquiry into this area to determine if any violation of the law has occurred are being reiterated. Material in this area, however, has been furnished to other Committees of Congress.

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UNRECORDED
11-28-75

RE: SUBCOMMITTEE ON COURTS, CIVIL LIBERTIES, AND
THE ADMINISTRATION OF JUSTICE OF THE HOUSE
COMMITTEE ON THE JUDICIARY

NOTE:

Our memorandum to captioned subcommittee dated 10/6/75, submitted in unclassified format pursuant to request of [REDACTED], Assistant Attorney General, Office of Legislative Affairs. Memorandum previously submitted was classified inasmuch as it contained information discussing aspects of the Emergency Detention Program, which was a Departmental program and classified by the Department. Following delivery of this memorandum, Mr. Kastenmeier, Subcommittee Chairman, released the memorandum and enclosures to it to the news media. Thereafter, reporter for the "New York Times," telephonically contacted FBIHQ with a request for additional information regarding the SI. [REDACTED] was advised by the External Affairs Division no information could be furnished to him at the present time inasmuch as the U. S. House and Senate Select Committees (HSC and SSC respectively) were currently conducting inquiries regarding the SI and ADEX.

The other Committees of Congress referred to in this memorandum regarding inquiries on the SI and ADEX are the HSC and the SSC. The Committees of Congress referred to with respect to the [REDACTED] program are the HSC, the SSC, and the Subcommittee on [REDACTED] Facilities, [REDACTED] and Labor Management of the House [REDACTED] and Civil Service Committee. Matter pertaining to the [REDACTED] program was coordinated with SA [REDACTED], CI-1 Section.

Our response concerning the [REDACTED] program is the same as that set forth in our memorandum of 10/6/75, and is being continued per instructions set forth in memorandum from Legal Counsel to Mr. [REDACTED] dated 11/5/75, captioned as above and prepared by [REDACTED].

Mr. Kastenmeier's letter of 10/22/75, requesting copies of certain sealed instructions maintained in our field offices has been answered. Mr. Kastenmeier was advised these instructions had been destroyed per Departmental request. See memorandum captioned as above with cover letter to Assistant Attorney General, Office of Legislative Affairs, dated 11/17/75 and prepared by [REDACTED].

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FBI Lists 1,300 Americans To Watch in Emergency

The FBI maintains a list of some 1,300 Americans who would be put under "priority investigative coverage" in a national emergency, according to FBI Director Clarence M. Kelley.

Kelley said the list does not include nonviolent protesters and dissenters, but "only those individuals who pose a realistic, direct and current danger to the national security."

Kelley's memorandum disclosing existence of the

"security index" was made public Wednesday by Chairman Robert W. Kastenmeier (D-Wis.) of the House civil liberties subcommittee.

The FBI director gave no names, citing security and individual privacy rights, but said 1,537 names were on the list as of Jan. 1 and 1,294 were on it as of Aug. 15.

"Individuals who are included," Kelley said, "are those who have exhibited a willingness or capability of

engaging in treason, rebellion, sedition, sabotage, espionage, assassination of government officials, terrorism, guerrilla warfare or other acts which would result in interference with or a threat to the survival and effective operation of national, state or local government.

"Individuals are not included on this index merely because of opposition to government policies or because they exercise their constitutional rights of protest or dissent," Kelley said.

He also said membership in subversive organizations does not by itself put people's names on the list. The list is a record of people who would be put under "close investigative attention pending legal steps by the President to take further action," Kelley said.

"It also serves as an extremely valuable list of individuals who pose a threat to the safety of the President of the United States," he said, adding that the FBI provides data on the individuals to the Secret Service.

Kastenmeier praised Kelley for providing the information, but said "it is an unfortunate comment on the mentality of our national security establishment that it has taken nearly 30 years for the existence of the national security index to be publicly disclosed."

"Although the executive branch does not now assert the authority to suspend the Bill of Rights and incarcerate Americans at its discretion, the fact that it continues to actively maintain a list which had its genesis in a plan to systematically imprison thousands of political dissenters in the early days of the Cold War is fact which demands thorough congressional scrutiny and public discussion," Kastenmeier said.

Assoc. Dir. _____
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Files & Com. _____
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Training _____
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Director Sec'y _____

The Washington Post A2
Washington Star-News _____
Daily News (New York) _____
The New York Times _____
The Wall Street Journal _____
The National Observer _____
The Los Angeles Times _____

Date 10/28/75

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SENSTUDY 75

PURPOSE:

To advise of recent statements made in UPI news release by Nicholas Daniloff concerning the former Security Index (SI) and to recommend possible statements to be utilized in connection with press inquiries regarding this release.

SYNOPSIS:

In response to past requests by the Senate Select Committee (SSC) numerous information and documents were provided the SSC regarding former indices utilized by the Bureau including the ST and the Reserve Index (RT). With recent release of SSC report on findings of its investigation of FBI practices, a UPI news release dated 3/8/76 indicates documents released to the SSC revealed 1) former Director Hoover ignored a 1943 order by the Attorney General (AG), 2) the FBI "won" permission to maintain its own plan for arresting subversives in wartime, and 3) the FBI failed to advise the Department of Justice during 1960 of a special list of influential persons with alleged "subversive associations and ideology" who might be dangerous in time of national emergency. Set forth in Details of this memorandum is background information concerning the three items mentioned herein.

RECOMMENDATIONS:

It is recommended that press inquiries regarding this UPI release be answered as follows:

1. Regarding the allegation former Director Hoover ignored a 1943 order of the AG, it is the contention of the FBI that the AG did not prohibit the FBI from maintaining or

(ADEX)

General

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compiling a list of aliens and citizens who might endanger the country in time of war, but did, in fact, direct that classifications of dangerousness which had formerly been assigned these individuals by the Department should no longer be utilized.

2. During 1952 the FBI was continuing to seek a definite answer from the Department as to whether during an emergency the program utilized in the Department's portfolio or the Emergency Detention Act (EDA) would be followed. The FBI did not commit itself to one or the other programs but did indicate that if the Departmental program was to be followed, a positive statement to that effect be received from the Department. The FBI, therefore, was attempting to receive guidance concerning a Departmental program, and not one of the FBI's, which concerned apprehension of individuals during emergency conditions.

3. An index was maintained as an administrative aid to the FBI of individuals whose activities did not bring them within criteria set forth for apprehension and detention of individuals during time of a national emergency but who, during such time, would have been in a position to influence others against the national interests or would have been likely to furnish material financial aid to subversive elements. Since the individuals maintained on this index were not scheduled for any apprehension or detention and the list was used strictly as an administrative aid it was not necessary to advise the Department of the existence of such an index. Results of the investigations of the individuals on this index, however, were furnished the Department so the Department could be aware of their activities.

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Re: Senstudy 75

DETAILS:

The SSC, during its investigation of the practices of the FBI, requested detailed information and numerous documents regarding former indices utilized by this Bureau in connection with apprehension and detention of individuals during national emergency. As a result of SSC requests, information and documents sought were provided and have been made a part of the recently released report of the SSC regarding their findings of their investigation of the FBI. A UPI news release dated 3/8/76 by Nicholas Daniloff reflects in part that documents provided the SSC showed: 1) Hoover ignored a July, 1943, order by Attorney General Francis Biddle and continued to compile a list of aliens and citizens who might endanger the country in time of war, 2) In 1952, the FBI won Justice Department permission to maintain its own plan for arresting subversives in wartime because Congress' Internal Security Act of 1950 was too liberal, and 3) In 1960, the FBI did not tell the Justice Department it was compiling a special list of educators, labor leaders, writers, entertainers, lawyers, doctors and others with alleged "subversive associations and ideology" who might be dangerous in time of national emergency.

Regarding Item 1, the SSC was provided a document dated July 16, 1943, from AG Francis Biddle to Assistant Attorney General and J. Edgar Hoover, Director, FBI, which related to the former Custodial Detention List (CDL) and dangerousness classifications which had been utilized by the Bureau and the Department during the early part of World War II. This document indicated "There is no statutory authorization or other present justification for keeping a 'Custodial Detention' list of citizens. The Department fulfills its proper functions by investigating the activities of persons who may have violated the law. It is not aided in this work by classifying persons as to dangerousness. This letter further indicated the classification system was a mistake and the AG directed that classifications previously made should not be regarded as classifications of dangerousness or as a determination of fact in any sense, and in the future should not be used for any purpose whatsoever. Mr. Biddle indicated questions raised as to the status or activities of a particular individual should be disposed of by consideration of all available information but without reference to any classification previously assigned. Subsequent to the document,

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a letter to all SACs dated August 14, 1943, was sent indicating, in part, cards previously known as Custodial Detention Cards would be known as Security Index cards and the list composed of such cards would be known as the Security Index (SI). Additionally, this letter advised, for information, that the AG, on 7/16/43, ordered the dangerousness classifications previously made by the Department were not to be used in the future for any purpose whatsoever. Mr. ██████████, Staff Member, SSC, has interpreted the 1943 document to mean the FBI could no longer maintain a list of individuals who were then considered dangerous to the national security and by renaming the CDL to the SI the FBI had ignored a direct order from the AG. We are presently preparing a document to be forwarded to the AG noting a protest of Mr. ██████████ interpretation of this matter, and it is the contention of the FBI that the AG did not order us to cease maintaining a list of individuals who should be considered dangerous to the national security, but that the order pertained to the dangerousness classifications then being assigned by the Department. It is therefore the bureau's interpretation that the AG's order pertained strictly to the Departmental classifications of dangerousness of individuals and not to the authority of the FBI to maintain a list of those individuals of significant importance during that period in history which related to the national security.

Item 2 of the UPI release indicated that during 1952 the Bureau won permission from the Department to maintain our own plan for arresting subversives because the Internal Security Act of 1950 was too liberal. On 8/3/48 the FBI was furnished by the Department a portfolio regarding the apprehension and detention of individuals who could be considered dangerous during a national emergency. This portfolio was provided at a time prior to any law which provided for the detention of dangerous individuals at the time of an emergency. Based on this portfolio, standards and guidelines were established by the FBI and approved by the AG by which the plans maintained in the Department's portfolio could be implemented. Upon passage of the Internal Security Act of 1950, commonly referred to as the Emergency Detention Act (EDA), numerous discussions and communications concerned the differences apparent between the Department's portfolio and the EDA. The FBI's planning and operational procedures for any apprehension had

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been based on the Department's portfolio and not on the detention provisions of Title II of the EDA. Following passage of the EDA, the Department, during 1950, indicated Title II of the EDA was undoubtedly in conflict with the Department's program and if Title II remained in effect at such time as initiation of the Department's program would become necessary, appropriate provisions for repeal of the EDA would be introduced along with steps to be taken under the Departmental program, inasmuch as the EDA, as enacted, contained many provisions which would be unworkable in event of an emergency or outbreak of hostilities, and it was not anticipated Title II would permanently supersede the Department's program. During 1952, it became apparent a definite and positive stand should be obtained from the Department over this highly controversial matter. Efforts were made to obtain such a positive statement from the Department; however, it was felt under no circumstances should the FBI make any commitments regarding the desirability of proceeding under the EDA or the Departmental program. Inasmuch as it was our impression the Department desired to continue under their program, a letter was submitted to the AG indicating it was not within the province of the Bureau to recommend the adoption of any one program as opposed to another; however, a definite and clear-cut answer was requested of the AG as to whether the AG would intend to proceed in an emergency under the Departmental program and as to whether standards to be used for inclusion of an individual on the SI then in use met with his approval. During November, 1952, the AG indicated he wished to assure the FBI it was the Department's intention in the event of emergency to proceed under the program as outlined in the Department's portfolio invoking the standards then used.

Item 3 indicates the Bureau failed to advise the Justice Department of the compilation of a list of influential persons with alleged "subversive associations and ideology" who might be dangerous in time of national emergency. This statement refers to the formulation of our Reserve Index (RI) during 1960. The RI was previously known as the Communist Index; however, during 1960 it was felt the name RI would be more descriptive as the index at that time also contained the names of individuals formally affiliated with subversive

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organizations other than the Communist Party. The RI, when established, was divided into two sections, namely Section A and Section B. Section A was to include the identities of individuals whose subversive activities did not bring them within the SI criteria but who, in a time of national emergency, would be in a position to influence others against the national interests or would be likely to furnish financial or material aid to subversive elements due to their subversive associations and ideology. Section A was to include, therefore, individuals of influence, such as professors, writers, lawyers, educators, scientists, and other influential persons on a local or national level. Section B of the RI was to include the identities of other individuals who were felt could possibly be dangerous during a national emergency but whose activities did not meet the criteria for inclusion in the SI. The Department was not advised of the existence of the RI inasmuch as the individuals who were maintained thereon were not subjects for apprehension or detention as were those individuals maintained on the SI. The RI was used as an administrative aid within the Bureau or those cases considered of such importance that the individuals so listed could use their influence during time of a national emergency. Results of investigations of the individuals maintained on Section A of the RI were disseminated to the Department so the Department would be made aware of the activities of these individuals.